

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on March 24, 2003, and the references cited therewith.

No claims are amended or cancelled. Claims 1-48 and 54 remain pending in this application.

#### **§112 Rejection of the Claims**

Claims 1, 14, 21, 27, 28, 35, 41, 42, and 54 were rejected under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The rejection stated that, "It is not clear how the sides of the gate dielectric remain exposed without being oxidized. Furthermore it is not clear how the exposed surface of the source/drain region remains unoxidized."

Applicant respectfully notes that the claims do not contain subject matter where the sides of the gate dielectric remain exposed "without being oxidized." Additionally, the exact nature of this portion of the rejection is unclear to the Applicant. Several common gate dielectric materials are in fact oxides already. (as noted on page 6, lines 10-11 of the specification, "The gate dielectric may be an oxide layer")

Further, Applicant respectfully notes that the claims do not contain subject matter where "the exposed surface of the source/drain region remains unoxidized." Applicant respectfully submits that one of ordinary skill in the art, having the benefit of the present specification and drawings will be enabled to make and/or use the invention.

Reconsideration and withdrawal of the 35 USC § 112, first paragraph rejections is respectfully requested.

#### **§102 Rejection of the Claims**

The rejection stated that claims 1, 2, 5, and 6 in so far compliance of 35 U.S.C. 112 and as best understood by the Examiner were rejected under 35 USC § 102(e) as being anticipated by Yu (U.S. 6,268,253).

Applicant does not admit that Yu is indeed prior art and reserves the right to swear behind this reference at a later date. Nevertheless the Applicant believes that the present invention is distinguishable from the reference for the following reasons.

The rejection states that:

Yu teaches a method of reducing a channel length in a transistor, comprising: forming a gate dielectric layer (204) on a semiconductor substrate (102); coupling a barrier layer (206) to the gate dielectric layer, wherein the barrier layer prevents oxide undergrowth; forming a gate (208) on top of the barrier layer, the gate having sides, and an effective channel length defined by the sides; and an amount of overlap between the sides of the gate and a pair of source/drain regions (see fig. 7) and oxidizing the gate wherein a portion of the sides of the gate are converted to an oxide (212) and an effective channel length of the gate is reduced (figs. 4 and 5).

Yu appears to show forming “a removable spacer 212 on the sidewalls of the gate structure 208.” The removable spacer 212 of Yu appears to be “formed by using the gate material of the gate structure 208.” (Col 5, lines 39-42). However, Applicant respectfully submits that Yu does not show oxidizing the gate **with sides of the gate dielectric exposed**, wherein a portion of the sides of the gate are converted to an oxide and an effective channel length of the gate is reduced.

In contrast, Applicant’s present application teaches a method where diffusion through exposed sides of the gate dielectric is controlled. Applicant’s independent claim 1 includes oxidizing the gate with sides of the gate dielectric exposed, wherein a portion of the sides of the gate are converted to an oxide and an effective channel length of the gate is reduced.

The present Office Action asserts in the section entitled “Response to Arguments” that, “Figures 6 and 7 of Yu’s structure clearly shows that the gate oxidized with sides of the gate dielectric exposed.”

Applicant respectfully traverses this statement. Figure 6 of Yu appears to show sides of a gate dielectric exposed, however oxidation processes as asserted by the Examiner to create structures 212 appear to have been completed in Figure 5. Applicant notes that in Figure 5, sides of the gate dielectric are not exposed. Figure 6 appears to show an implantation process, not an oxidation process. Figure 7 of Yu also illustrates process steps after an oxidation process is complete. Applicant respectfully submits that Figures 6 and 7 of the Yu reference do not show

oxidizing the gate with sides of the gate dielectric exposed, wherein a portion of the sides of the gate are converted to an oxide and an effective channel length of the gate is reduced.

Because the Yu reference does not show every element of Applicant's independent claim 1, a 35 USC § 102(e) rejection is not supported. Reconsideration and withdrawal of the rejection is respectfully requested with respect to Applicant's independent claim 1. Additionally, reconsideration and withdrawal of the rejection is respectfully requested with respect to the remaining claims that depend therefrom as depending on allowable base claims.

Claims 7, 8, 14, 15, 18, 19, and 54 were rejected under 35 USC § 102(e) as being anticipated by Xiang et al. (U.S. 5,866,473).

The rejection states that:

Xiang teaches a method of forming transistor comprising: forming a first source/drain region (212) and a second source/drain region (216) in a semiconductor substrate (204); forming a gate dielectric layer (202) on a semiconductor substrate (204); coupling a barrier layer (206) to the gate dielectric layer wherein the barrier layer prevents oxide undergrowth; forming a gate (208) on top of the barrier layer, the gate having sides, and an effective channel length defined by the sides; and oxidizing the gate after all source/drain regions have been formed, wherein a portion of the sides of the gate are converted to an oxide (220) and an effective channel length of the gate is reduced (figs. 2A-2F).

Typographical errors found in the previous rejection using the Xiang reference appear to have been carried over into the present rejection. For example, element 206 does not appear to be a barrier layer, and element 208 does not appear to be a gate. Applicant has attempted to infer the intent of the rejection, and distinguishes the reference as follows.

Xiang appears to show a gate oxide layer 202 that may include nitrogen (col. 2, lines 46-47). Xiang also appears to show oxidation of a portion of a polysilicon gate electrode 206 to reduce a dimension of the polysilicon gate 206. However, Xiang does not recognize the problem of diffusion from underneath a gate dielectric as discussed in Applicant's specification on page 2, lines 15-30. Further, Xiang does not show, teach or suggest oxidizing the gate **with sides of the gate dielectric exposed**, wherein a portion of the sides of the gate are converted to an oxide and an effective channel length of the gate is reduced.

In contrast, Applicant's present application teaches a method where diffusion through exposed sides of the gate dielectric is controlled. Applicant's independent claims 7, 14, and 54 each include oxidizing the gate with sides of the gate dielectric exposed, wherein a portion of the sides of the gate are converted to an oxide and an effective channel length of the gate is reduced.

Because the Xiang reference does not show every element of Applicant's independent claims, a 35 USC § 102(b) rejection is not supported. Reconsideration and withdrawal of the rejection is respectfully requested with respect to Applicant's independent claims 7, 14, and 54. Additionally, reconsideration and withdrawal of the rejection is respectfully requested with respect to the remaining claims that depend therefrom as depending on allowable base claims.

#### §103 Rejection of the Claims

Claims 3, 4, 9-10, 16-17, and 21-48 were rejected under 35 USC § 103(a) as being unpatentable using various combinations of references, each combination including the Yu reference or the Xiang reference.

Applicant respectfully submits that neither the Gardner reference, nor the Sung reference cures the deficiencies of Yu and Xiang as argued above. Because the cited references, either alone or in combination, do not show every element of Applicant's independent claims, a 35 USC § 103(a) rejection is not supported by the references. Reconsideration and withdrawal of the rejection is respectfully requested with respect to claims 3, 4, 9-10, 16-17, and 21-48.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6944) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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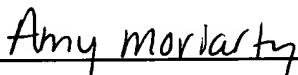
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